

EXHIBIT D

TITLE XVI

PLANNING AND SUBDIVISIONS

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Chapter 16.06

Land Divisions and Dedications

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16.06.040 Definitions

Whenever the following words and phrases appear in this Chapter, they shall be given the meaning attributed to them by this section. When not inconsistent with the context, words used in the present tense shall include the future; the singular shall include the plural and the plural the singular; the word “shall” is always mandatory and the word “may” indicates a use of discretion in making a decision. Capitalized words and phrases identify terms defined in this Chapter, other Chapters in Title 16 or Chapters contained in Title 17 ICC.

Alteration: Any change to the boundaries of Lots within a recorded Final Short Plat or Final Plat which does not qualify as a Boundary Line Adjustment, Lot Combination, boundary line correction, Withdrawal or Vacation; any change in easements or areas dedicated to the public; or, any change in conditions of approval of such a Plat.

Alteration of a Critical Area: As defined in Chapters 17.02, 17.02A, or 17.02B ICC as such Chapters may be amended.

Applicant: Any Person who files an Application for Land Division who is either the Person(s) identified in the Assessor’s Records as the Owner of Property on which that proposed activity would be located; or the authorized agent of such a Person.

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Contiguous: Land adjoining and touching other property including lands separated from each other by Private Road or private right-of-way.

Critical Areas: As defined in Chapters 17.02, 17.02A, or 17.02B ICC as such Chapters may be amended.

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16.06.060 Application Requirements

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- A. Short Subdivision and Subdivisions. All Applications for preliminary approval of Short Subdivisions and Subdivisions shall include:

1. A completed Application, in a format as established by the County, shall contain the following:
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11. Reports and determinations that are required by County Critical Area Regulations, Chapters 17.02, 17.02A, and 17.02B ICC.
- B. Boundary Line Adjustments. All Applications for Boundary Line Adjustments shall include:
 1. The Application requirements set forth in subsection A.1.a) through d) and A.2 also apply to Boundary Line Adjustments.
 2. Legible Boundary Line Adjustment map prepared, on paper not larger than 8.5” by 14”, drawn to scale, which shall include the following for all Lots involved in the adjustment. Where location of a feature or Structure is required, a site specific survey by a registered land surveyor is encouraged but not required. If the proposed boundaries are not determined by site specific survey, a notation shall be placed by the County on the face of the map approved by the Planning Director stating that the boundaries have not been formally surveyed:
 - a) North indicated with an arrow;
 - b) Use a scale such as; 1” to 100 feet; or whatever engineering or architectural scale which will allow the greatest detail on a single map;
 - c) Approximate area calculations for the existing and proposed Lots;
 - d) Approximate location of significant natural features, such as Critical Areas and their associated buffers;

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16.06.070 Boundary Line Adjustments

- A. Criteria for Approval of a Boundary Line Adjustment. The Planning Director shall approve all complete Boundary Line Adjustment Applications for adjustments which are consistent with the following criteria:
 1. The Lots involved in the adjustment are Contiguous legally created Lots;
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 8. Adjustment among existing Lots. For adjustments among two (2) or more Lots in which one (1) or more of the Lots involved in the adjustment is smaller than the current zoning classification, the adjustment would allow a Lot to more nearly conform to the Lot size or setback requirements of Chapter 17.03 ICC or create more buildable Lot configurations. For example, a smaller Lot may be made larger by reducing the size of a larger Lot so that, on balance, greater conformity is achieved.
 9. The adjustment shall not result in the creation of a lot which lacks an Adequate Building Site as defined in Chapter 17.02B ICC.

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Chapter 16.13 Hearing Examiner

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16.13.100 Powers

The Examiner shall receive and examine available information, conduct public hearings and prepare a record thereof, and enter decisions as provided for herein.

A. **Final Decisions (Type II).** The decision of the Hearing Examiner on the following Type II Decision appeals shall be final unless such decision is appealed to Superior Court or, in the case of an appeal of a SEPA threshold determination issued for a legislative action initiated pursuant to Chapter 36.70A RCW, to the Growth Management Hearings Board as provided in ICC 16.19.205 or RCW 90.58.180 (Shorelines Hearings Board appeals):

1. Appeals from decisions of the short plat administrator; appeals of Planned Residential Development Decisions for projects of four (4) Dwelling Units or less;

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11. Appeals of decisions of the Public Works Director under Chapters 11.02, 11.03 and 11.04 ICC;
12. Appeals of decisions of the Island County Building Official under Chapter 14.01A ICC; and
13. Appeals of Type II Decisions issued under Chapter 17.02B ICC.

B. **Appealable Decisions (Type III).** The decision of the Examiner on the following matters shall be final unless such decision is appealed as provided in ICC 16.19.170, WAC 173-17-060 (Shoreline Civil Penalties), or Chapter 16.21 ICC (Shoreline Administration); or is appealed in accordance with RCW 90.58.180 (Shorelines Hearings Board appeals):

1. Shoreline substantial development permit, Conditional Use, and variance permits when the underlying permit requires a hearing; rescission of such permits;

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7. Commercial Agriculture Zoning verifications;
8. Rezones classified Type III Decisions by Chapters 17.03 and 16.19 ICC; and
9. Critical Area Variance requests as provided in Chapter 17.02B ICC.

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Chapter 16.14C County Environmental Policy

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16.14C.030 Additional Definitions

In addition to those definitions contained within WAC 197-11-700 through 197-11-799, when used in this Chapter, the following terms shall have the following meanings, unless the context indicates otherwise:

- A. **Department** means any division, subdivision or organizational unit of the County established by ordinance, rule, or order.
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- E. **Lands Covered by Water:** As used in Chapter 197-11 WAC, lands covered by water refers to wetlands, streams and deep water habitat regulated by Chapters 17.02, 17.02A and 17.02B ICC and to lands below the ordinary high water mark of shorelines regulated by the Shoreline Master Program.
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16.14C.160 Substantive Authority

- A. The policies and goals set forth in this Chapter are supplementary to those in the existing authorization of Island County.
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- D. The County designates and adopts by reference the following policies as the basis for the County's exercise of authority pursuant to this section:
 - 1. The State/County Health Department Saltwater Intrusion Policy dated 7/21/89;
 - ...
 - 18. Gravel Mining Operation Policy;
 - 19. Critical Area Regulations (Chapter 17.02 ICC);
 - 20. Critical Area Regulations (Chapter 17.02A ICC); and
 - 21. Critical Area Regulations (Chapter 17.02B ICC).
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16.14C.190 Environmentally Sensitive Areas

- A. Island County may designate environmentally sensitive areas under the standards of WAC 197-11-908 and shall file maps designating such areas, together with the exemptions from the list in WAC 197-11-908 that are inapplicable in such areas, with the Island County Auditor and the Department of Ecology, Headquarters Office, Olympia, Washington. The environmentally sensitive area designations shall have full force and effect of law as of the date of filing.
- B. Island County has selected the following categorical exemptions that will not apply in Critical Areas as defined in Chapter 17.02B ICC:
 - 1. WAC 197-11-800(1); and
 - 2. WAC 197-11-800(2)(a) through (g); and
 - 3. WAC 197-11-800(6)(a); and

4. WAC 197-11-800(23)(a) through (d); and
 5. WAC 197-11-800(24)(g)
- C. The scope of environmental review associated with actions within the areas identified above shall be limited to the following:
1. Documenting whether the proposal is consistent with the requirements of Chapter 17.02B ICC; and
 2. Evaluating potentially significant impacts on the Critical Area resources not adequately addressed by Island County Code requirements and permit application materials, if any, including any additional mitigation measures needed to protect Critical Areas in order to achieve consistency with SEPA and other applicable environmental review laws.
- D. The County shall treat proposals located wholly or partially within an environmentally sensitive area no differently than other proposals under this Chapter, making a threshold determination for all such proposals. The County shall not automatically require an EIS for a proposal merely because it is proposed for location in an environmentally sensitive area.
- E. Certain exemptions do not apply on lands covered by water, and this remains true regardless of whether lands covered by water are mapped.

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Chapter 16.15

Site Plan Review

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16.15.040 Application Requirements

Except as provided in section 16.15.050, each application for Site Plan Review shall include the following information:

- A. A completed application in a format as established by the County shall contain the following:
1. Name, mailing address, and telephone number of the applicant and if applicable, duly authorized representative;
 2. Assessor's tax account numbers of every Parcel included within the proposal;
 3. Section, Township, Range, and Quarter Section;
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19. Environmental Checklist if required by Chapter 16.14C and Chapter 197-11 WAC; and
 20. Reports and determinations that are required by Chapters 17.02, 17.02A, and 17.02B ICC.

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16.15.060 Conditions of Approval for NR Uses in the R, RR, RA, RF, and CA Zones

Except for Essential Public Facilities, no application for a NR use in the Rural, Rural Residential, Rural Agriculture, Rural Forest or Commercial Agriculture Zones shall be approved unless a specific finding is made that the proposed conditional use is appropriate in the location for which it is proposed. This finding shall be based on the following criteria:

- A. The proposed use shall not result in a significant adverse environmental impact that cannot be mitigated by reasonable mitigation measures.

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- E. The location, size, design and operating characteristics of the proposed development/use would not be detrimental to the neighborhood, nor be detrimental to the public interest, health, safety, or welfare of the County in conformance with the standards of this Chapter, Chapter 17.02 ICC, Chapter 17.02A ICC, Chapter 17.02B ICC, and Chapter 17.03 ICC.

- F. The proposed use and its design fulfill the definition of rural character as defined in Chapter 17.03 ICC.

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16.15.080 Criteria for Approval

- A. No application for Site Plan Review shall be approved unless it meets the requirements of this section. No development pursuant to an approved Site Plan shall be undertaken unless it meets the requirements of Titles 8, 11, 13 and 17 ICC pertaining to such development.

1. Open Space. Provide Open Space in the amount required by Chapter 17.03 ICC. The location, use and design shall meet the following standards:

- a) Include critical areas designated and regulated by Chapters 17.02, 17.02A, and 17.02B ICC; and
- b) Include areas of prime soils identified by NRCS.

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Chapter 16.17

Planned Residential Development

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16.17.040 Application Requirements

Except as provided in ICC 16.17.050, each application for approval of a Planned Residential Development shall include the following information:

- A. A completed application in a format established by the County shall contain the following:
1. Name, mailing address, and telephone number of the Applicant and if applicable, duly authorized representative;

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18. Environmental Checklist if required by Chapter 16.14C and Chapter 197-11 WAC; and

19. Reports and determinations that are required by Island County Critical Area regulations under Chapters 17.02, 17.02A, and 17.02B ICC.

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16.17.070 Specific Criteria for Approval

- A. No application for PRD approval shall be approved unless it meets the requirements of this section. No development pursuant to an approved PRD shall be undertaken unless it meets the requirements of Titles 8, 11, 13, 16 and 17 ICC.

1. Preservation of natural features.
 - a) Proposed Structures, Uses and Roads shall be located to minimize disturbance to natural features by, for example, minimizing tree and soil removal.
 - b) Open Space, in the amount required by Chapter 17.03 ICC, shall be clearly defined and protect natural features in the following order of importance or priority:
 - (i) first, include critical areas designated and regulated by Chapters 17.02, 17.02A, and 17.02B.

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Chapter 16.19

Land Use Review Process

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16.19.040 Application/Decision Types, Permit Classifications, and Urban Growth Area/Joint Planning Area Procedures

- A. Application Types. Applications and decisions for review pursuant to this Chapter shall be categorized as a Type I, II, or III decision as set forth in Table A.

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- B. Permit Classifications: Land Use decisions shall be categorized by Application type as set forth in Table B.

TABLE B
Permit Classifications

<u>CODE CHAPTER</u>	I	II	III	IV
Chapters 11.02, 11.03, 11.04, 14.01A, 16.06, 16.14, 16.15, 16.17, 17.02, 17.02A, 17.02B, 17.03, 17.05		Any otherwise Type I application/decision not exempt from SEPA threshold determinations		
Chapters 11.02, 11.03 and 11.04	Administrative Determinations exempt from SEPA threshold determinations			
Chapter 14.01A	Building Permits exempt from SEPA threshold determinations			
Chapter 15.02	Storm and Surface Water Utility Charges			
Chapter 15.03	Clean Water Utility Rate Adjustments and/or Classification Changes			
Chapter 16.06	Administrative Determinations Boundary Line Adjustments Final Subdivision and Short Subdivision Decisions that are all exempt from SEPA threshold determinations	Preliminary Short Subdivision Decisions Alterations, Withdrawal or Vacation of a Short Subdivision	Preliminary Subdivision Decisions Alterations, Withdrawal or Vacation of a Subdivision	
Chapter 16.14C	SEPA categorical exemption decisions for Type I Decisions	SEPA categorical exemption decisions and SEPA threshold determinations for Type II Decisions	SEPA categorical exemption decisions and SEPA threshold determinations for Type III Decisions	
Chapter 16.15	Administrative Determinations exempt from SEPA threshold determinations	Administrative Conditional Uses (see 16.15 and 17.03)	Quasi-Judicial Conditional Uses (see 16.15 and 17.03)	
-- CONTINUED ON NEXT PAGE --				

TABLE B (Continued)
Permit Classifications

<u>CODE CHAPTER</u>	I	II	III	IV
Chapter 16.17	Administrative Determinations exempt from SEPA threshold determinations	PRDs of 4 or less units	PRDs of 5 or more units	
Chapters 17.02, 17.02A, and 17.02B	Permitted Use/Reasonable Use Determinations Adaptive Management Orders Administrative Determinations Single Family On Existing Lot Wetland Map Corrections Rural Stewardship Plans Voluntary Improvement Plans that are all exempt from SEPA threshold determinations Exemption Authorizations	Permitted Use/Reasonable Use Determinations Reasonable Use Compliance Restoration Plans Permitted Alteration Permits	Alterations of Deepwater Habitat or FWHCA Permitted Use/Reasonable Use Determinations Base Density Exceptions Critical Area Variances	Designation of Habitats or Species of Local Importance
Chapter 17.03	Animal Management Plan RA, and RF Rezones Temporary Use Approvals Permitted Uses Farm (BMP) Management Plan that are all exempt from SEPA threshold determinations	Zoning Code Interpretations Zoning Variances Zoning Setback Reductions Certificates of Zoning Compliance Administrative Conditional Uses Enforcement Orders	Quasi-Judicial Conditional Uses CA, RA and RF Rezones Revocations of Permits and Approvals	Special Review District Approvals Zoning Code Amendments Farm/EDU Management Plan Approvals CA/RA/RF Verifications Designation of Existing Master Planned Resorts
Chapter 17.05	Shoreline Exemptions Administrative Determinations exempt from SEPA threshold determinations	Shoreline Substantial Development Permits Shoreline CUP and Variances	Shoreline Permit Approvals for Quasi-Judicial Uses	Shoreline Master Program Amendments